

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff(s),

VS.

KEITH L. MARIS, et al.,

Defendant(s).

Case No. 2:10-cv-01337-RCJ-NIK

ORDER RE: REQUEST TO
CONTINUE SETTLEMENT
CONFERENCE

This Court has scheduled a settlement conference in this case for November 14, 2013. *See* Docket No. 164. Defendant Keith Maris has delivered to chambers a “reply” to the Court’s order setting the settlement conference, which the Court has attached hereto.¹ The Court construes this document as a request to continue the settlement conference. The parties and counsel should be prepared to discuss this document at the status conference already set for November 8, 2013 at 11:30 a.m. in Courtroom 3C.

IT IS SO ORDERED.

DATED: November 7, 2013


NANCY J. KOPPE
United States Magistrate Judge

¹ The Court's staff also instructed Mr. Maris to file a copy of the document.

November 7, 2013

Keith L. Maris
612 Lake Superior Lane
Boulder City Nevada 89005
(702)287-1663

UNITED STATES DISTRICT COURT
For the
District of Nevada

United States of America
PLAINTIFF

VS.
NJK

CIVIL ACTION No. 2:10-cv-01337-RCJ-

DEFENDANTS' REPLY TO
OREDR SCHEDULING A
SETTLEMENT CONFERENCE

KEITH L. MARIS, et al. and
Keith L. Maris Painting and
Wallpaper,
DONNA L. MARIS et al.
DEFENDANT(S)

Defendants Reply to the Order Scheduling a Settlement Conference

Defendant, Keith L. Maris ,et al. respectfully replies in support of having a settlement conference in the above referenced case, however, the Defendants did not receive the Docket No. 164, dated October 17, 2013, ORDER SCHEDULING A SETTLEMENT CONFERENCE until Wednesday, November 6, 2013 @ 5:24 p.m. and only from the Plaintiff. (See Exhibit 1, three pages)

Defendant, Keith L. Maris ,et al. did not receive Docket No. 164 in the U.S mail, the same as all the other Dockets to this date. The mailing address should be on file with the Court as listed above.

Defendant, Keith L. Maris ,et al. was not able to view Dockets from Pacer, due to payment failure, starting from October 10, 2013, to current.(See Exhibit 2, two pages)

Defendant, Keith L. Maris ,et al. did not receive Docket No. 164, via E-Mail either as

received in the past. The Court has our E-Mail on file, KDCMJ@AOL.COM and the only message from the Court recently received, was the E-Mail on November 06, 2013 (See Exhibit 3).

The settlement conference scheduled to commence at **10:00a.m.on November 14, 2013** in the **chambers** of the Honorable Magistrate Judge, Nancy J. Koppe, does not give the Defendant adequate time to prepare the documents that the Court requests.

In Docket No.164, (See Exhibit 4), page 2, paragraph 1, it states: "Any request for an exception to the above personal attendance requirements must be filed and served on all parties within fourteen (14) days of the issuance of this order." Since the Docket No.164 was dated, filed, and issued 10/17/13, and the Defendant did not receive it until, Wednesday, November 6, 2013 @ 5:24 p.m. , and the settlement conference scheduled to commence at **10:00a.m.on November 14, 2013**,this does not give the Defendant adequate time to prepare the documents that the Court requests.

In Docket No.164, page 2, paragraph 2, it states: "Any request to reschedule the Settlement Conference must be made in writing within fourteen (14) days of the issuance of this order." Since the Docket No.164 was dated, filed, and issued 10/17/13, and the Defendant did not receive it until, Wednesday, November 6, 2013 @ 5:24 p.m. , and the Settlement Conference scheduled to commence at **10:00a.m.on November 14, 2013**,this does not give the Defendant adequate time to prepare the documents that the Court requests.

In Docket No.164, page 2, paragraph 2, also states: "...any such request must include five alternate dates on which all counsel and other required attendees are available."

Since the Defendant did not have any knowledge of Docket No.162 until Wednesday, November 6, 2013, the Defendant prays the Court will be fair in requesting the Defendant the proper time to prepare the documents the Court requests.

Defendant, Keith L. Maris ,et al. by the compelling justification, as stated above, and in attached Exhibits, respectfully requests the Court to reschedule the Settlement Conference scheduled to commence at **10:00a.m.on November 14, 2013**, and provides the five alternate dates as follows:

December 05, 2013
December 09, 2013
December 11, 2013
December 12, 2013
December 18, 2013

In Docket No.164, page 3, paragraph 2, it states: "The settlement statements shall be received in chambers not later than **November 07, 2013**."

Defendant, Keith L. Maris , et al. respectfully requests that his settlement statement be received in chambers not later than seven (7) days prior to any of the alternate dates the Court selects.

This request is not meant to delay, but only that the Defendant can "be substantially prepared to meaningfully participate in the Settlement Conference in good faith.

Also note the Defendants mailing address, phone number and E-Mail are the same, but the Defendant is not currently connected to Pacer : KEITH MARIS 612 Lake Superior Lane Boulder City, NV 89005, (702) 287-1663 , KDCMJJ@AOL.COM

Respectfully submitted this 07th day of November, 2013.

KEITH MARIS Defendant

KEITH MARIS

612 Lake Superior Lane

Boulder City, NV 89005

(702) 287-1663

VERIFICATION AND ACKNOWLEDGEMENT

State of Nevada

United States District Court, District of Nevada

County of Clark

Civil Action No. 2-10-cv-01337
Case Type: Civil Action

- a. I have read this document. To the best of my knowledge, information and belief the information, contained in the document is well grounded in fact and is warranted by existing law.
- b. I have not been determined by any court in Nevada or in any other State to be a frivolous litigant or subject to an Order precluding me from serving and filing this document.
- c. I am not serving or filing this document for any improper purpose, such as to harass the other party or to cause delay or needless increase in the cost of litigation or to commit a fraud on the Court.
- d. I understand that if I am not telling the truth or if I am misleading the court or if I am serving or filing this document for any improper purpose, the court can order me to pay money to the other party, including the reasonable expenses incurred by the other party because of the serving or filing of this document such as court costs, and reasonable attorneys fees.

Respectfully submitted this 07th day of November, 2013.

KEITH MARIS Defendant

KEITH MARIS

612 Lake Superior Lane

EXHIBIT 1

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From: Sullivan, Kaycee M. (TAX) <Kaycee.M.Sullivan@usdoj.gov>

To: kdomj <kdomj@aol.com>

Cc: Perla, Lee (TAX) <Lee.Perla@usdoj.gov>

Date: Tue, Nov 5, 2013 2:08 pm

Message_for_Keith.pdf

This message has not been virus scanned because it contains encrypted or otherwise protected data. Please ensure you know who the message is coming from and that it is virus scanned by your desktop antivirus software.

Mr. Maris,

Please see attached and contact me to discuss the cases in Nevada and Utah.

Thank you.

Kaycee M. Sullivan

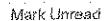
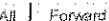
Trial Attorney

U S. Department of Justice

555 4th Street, N W

Washington, D.C. 20001

Telephone: (202) 514-9593



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From: [kdomjj](mailto:kdomjj@aol.com) <kdomjj@aol.com>
 To: Kaycee M. Sullivan <Kaycee.M.Sullivan@usdoj.gov>
 Date: Tue, Nov 5, 2013 4:58 pm
 Subject: [Not Virus Scanned] United States v. Maris, et al.

New Mail (5)

Old Mail

cannot open, document open password needed

Drafts (2)

Spam

Recently Deleted

Saved Chats kdomjj@aol.com>"/>

Contacts Lee.Perla@usdoj.gov>"/>

Calendar

My Folders

Please see attached and contact me to discuss the cases in Nevada and Utah.

Thank you.

Kaycee M. Sullivan
 Trial Attorney
 U.S. Department of Justice
 555 4th Street, N.W.
 Washington, D.C. 20001
 Telephone: (202) 514-9593

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**TO THE
ENCHANTING CITY
OF SHANGHAI**

[Not Virus Scanned] United States v. Maris, et al.

From: Sullivan, Kaycee M. (TAX) <Kaycee.M.Sullivan@usdoj.gov>
To: kdomjj <kdomjj@aol.com>
Cc: Perla, Lee (TAX) <Lee.Perla@usdoj.gov>
Date: Wed, Nov 6, 2013 3:00 pm
Message_for_Keith.pdf

This message has not been virus scanned because it contains encrypted or otherwise protected data. Please ensure you know who the message is coming from and that it is virus scanned by your desktop antivirus software.

Mr. Maris,

Thank you for speaking with us today. As we discussed, there is a Court-ordered settlement conference on November 14. The order for the conference is attached.

The password to open the order is Maris\$\$Settlement. You should check the docket and contact the Court to update your address as soon as possible.

Please send me the documentation we discussed for the sale of the property in Utah and the pending sale of the property you mentioned in Nevada.

My fax number is (202) 307-0054. Please also send me any contact information you have for the new homeowner in Utah.

Thank you.

Kaycee M. Sullivan
Trial Attorney
U.S. Department of Justice
555 4th Street, N.W.
Washington, D.C. 20001
Telephone: (202) 514-9593

From: Sullivan, Kaycee M. (TAX)
Sent: Tuesday, November 05, 2013 5:09 PM
To: kdomjj@aol.com
Cc: Perla, Lee (TAX)
Subject: United States v. Maris, et al.

Mr. Maris,

Please see attached and contact me to discuss the cases in Nevada and Utah.

Thank you.

Kaycee M. Sullivan
Trial Attorney
U.S. Department of Justice
555 4th Street, N.W.
Washington, D.C. 20001
Telephone: (202) 514-9593

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KM3871 October 2013 PACER Quarterly Invoice

From: OO_NOT_REPLY <OO_NOT_REPLY@psc.uscourts.gov>
To: kdomj <kdomj@aol.com>
Date: Thu, Oct 10, 2013 6:58 pm

PACER
PACER - AMERICAN COURT ELECTRONIC RECORDS

Account No:	KM3871
Balance Due:	\$21.50
Due Date:	11/08/2013

This account is registered for automatic billing. The total amount due, \$21.50, will be charged to the credit card on file up to 7 days before the due date. Charges will appear on your credit card statement as: PACER 800-676-6856 IR.

To access the statement:

- Log in to your account.
- Select "Review Quarterly Invoice/Statement of Account" in the lower right corner of the page.

Go to [Billing](#) for detailed billing transactions, instructions on disputing charges, FAQs, and more.

NOTE: Please do not reply to this message. If you have questions or comments, please email them to [PACER](#) or call us at (800) 676-6856.

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PACER Auto Payment FailureFrom: pscmmsg@psc.uscourts.govTo: kdomj@kdomj@aol.com

Date: Tue, Nov 5, 2013 5:57 am

Your PACER account, KM3871, is registered for automatic credit card billing by the PACER Service Center. However, an attempt to charge your account balance of \$21.50 to the card on file failed with the following error: (The card has been declined, the transaction will not be processed.).

One more attempt will be made on or around 11/10/2013. If the second attempt fails, you will need to make other payment arrangements or your account may be disabled.

You may update your credit card information in the "Manage My PACER Account" section at the PACER Service Center web site, www.pacer.gov or by calling (800) 676-6856.

Please do not reply to this message. If you have questions or comments, please email them to pacer@psc.uscourts.gov.

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EXHIBIT 3

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Search Reply Reply All Forward Mark Unread Actions Go Delete Spam 

Sat., Nov. 9, 2013, from 5:30 AM to 4:00 PM PST - Appellate ECF unavailable and Alternate emergency motion phone number

From: blast <blast@ca9.uscourts.gov>
To: kdomij <kdomij@aol.com>
Date: Wed, Nov 6, 2013 5:58 am

Due to building maintenance and power testing in the San Francisco courthouse on Saturday, November 9, 2013, from 5:30 AM to 4:00 PM PST:

- Appellate ECF will be unavailable. You will not be able to file any documents electronically during this time and will not be able to view the Ninth Circuit's docket using PACER.

- If you have an emergency (such as an execution or imminent deportation) during this time and you are unable to reach the San Francisco Clerk's office, call the Pasadena Clerk's office at (626) 229-7474 and leave a message, which will be forwarded to the motions attorney on duty.

The U.S. Court of Appeals for the 9th Circuit
ca9clerk@sf.uscourts.gov

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EXHIBIT 4

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5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8

9 UNITED STATES,

10 v. Plaintiff(s),

11 v.
12 KEITH L. MARIS, et al.,

13 Defendant(s).

14 Case No. 2:10-cv-01337-RCJ-NJK

15 **ORDER SCHEDULING A**
SETTLEMENT CONFERENCE

16 Judge Jones referred this matter to the undersigned to set a settlement conference. Docket
17 No. 162. A settlement conference is hereby scheduled to commence at **10:00 a.m. on November**
18 **14, 2013** in the *chambers* of the undersigned Magistrate Judge, Third Floor, Lloyd D. George
19 United States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada.

20 Unless ordered otherwise, the following individual(s) are **required to be present in person**
for the duration of the settlement conference:

- 21 1. All counsel of record who will be participating in the trial;
- 22 2. All parties appearing pro se;
- 23 3. All individual parties;
- 24 4. In the case of non-individual parties, an officer or representative with binding
25 authority to settle this matter up to the full amount of the claim or last demand made;
and
- 26 5. If any party is subject to coverage by an insurance carrier, then a representative of the
27 insurance carrier with authority to settle this matter up to the full amount of the claim
or last demand.

1 Any request for an exception to the above personal attendance requirements must be
2 filed and served on all parties within fourteen (14) days of the issuance of this order. Such a
3 request will be strictly scrutinized for a showing of compelling justification.

4 Any request to reschedule the Settlement Conference must be made in writing within
5 fourteen (14) days of the issuance of this order, and any such request must include five
6 alternate dates on which all counsel and other required attendees are available.

7 **PREPARATION FOR SETTLEMENT CONFERENCE**

8 In preparation for the settlement conference, each party shall submit a confidential settlement
9 conference statement for in camera review. The statement shall contain the following:

10 1. A brief statement of the nature of the action.

11 2. The names of the people who will attend the settlement conference.

12 3. A concise summary of the evidence that supports your theory of the case, including
13 the names of individuals disclosed pursuant to Rule 26(a)(1)(A)(i), the Rule 26(a)(1)(A)(iii)
14 computation of damages, and the Rule 26(a)(1)(A)(iv) insurance information. You must provide all
15 information which documents or supports your damages claims. Copies of medical records or
16 treatment records need not be submitted but, rather, shall be provided in a table or summary format.

17 4. Attach to your statement any documents or exhibits which are relevant to key factual
18 or legal issues, including selected pages from deposition transcripts or responses to other discovery
19 requests.

20 5. An analysis of the key issues involved in the litigation. The analysis must include a
21 discussion of the strongest points in your case, both legal and factual, and a frank discussion of the
22 weakest points as well. The Court expects you to present a thorough analysis of the key issues and
23 candid evaluation of the merits of your case.

24 6. Identify and explain any obstacles to settlement, e.g. medical liens, statutory caps, or
25 motions pending before the Court.

26 7. The history of settlement discussions, if any, which have occurred in this case.
27 Provide any demands, offers, or offers of judgment that have been made and, if applicable, the
28 reasons they have been rejected. Attach a copy of all settlement correspondence, including all

1 written demands or offers and responses thereto.

2 8. Provide the initial settlement proposal that will be presented at the settlement
3 conference with a justification for any monetary amount. The proposal must include any non-
4 monetary settlement terms that will be presented.

5 The settlement conference statements shall be received in chambers not later than November
6 7, 2013. **DO NOT SERVE A COPY ON OPPOSING COUNSEL. DO NOT DELIVER OR**
MAIL COPIES TO THE CLERK'S OFFICE.

8 The purpose of the statement is to assist the undersigned Magistrate Judge in preparing for
9 and conducting the settlement conference. In order to facilitate a meaningful conference, your
10 utmost candor in responding to all of the above-listed questions is required. **The settlement**
11 **conference statement will remain confidential.** If this case does not settle, the settlement
12 conference statement will not be disclosed to the judge who ultimately presides over the trial. Each
13 statement will be securely maintained in my chambers, and will be destroyed following the
14 conference.

15 In addition to the above requirements, the parties and counsel must be substantially
16 prepared to meaningfully participate in the Settlement Conference in good faith.

17 **FAILURE TO COMPLY WITH THE REQUIREMENTS SET FORTH IN THIS**
18 **ORDER WILL SUBJECT THE NON-COMPLIANT PARTY AND/OR COUNSEL TO**
19 **SANCTIONS UNDER FEDERAL RULE OF CIVIL PROCEDURE 16(f).**

20 DATED: October 17, 2013

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23 Nancy J. Koppe
United States Magistrate Judge
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